IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1366 OF 2004
IN
SUIT NO. 1824 OF 1998

Smt. Ashalata J. Waghmode ... Plaintif

Versus

Nitin S. Waghmode & Ors. ... Defendants

And

Dr. Ruta P. Waghmode & anr. Applicants

Mr. Shiv Anand i/by M. Janardhanan for Plaintiff.

Ms,. M.M. Jadhav for Defendants.

Mr. S.K. Shetty with Mr. S.A. Shetty i/by
Shetty & Associates for Applicants.

CORAM : F.I. REBELLO,J.
DATED : SEPTEMBER 20, 2004

P.C.

1. The Applicants claim share in the estate of Jagannath Waghmode pursuant to a family settlement. The applicants are daughter in law and grand son of the Plaintiff. The Plaintiff alone has filed a suit for recovery of moneys against the defendant based on the settlement dated 31.5.1992. In that settlement, Jagannath Waghmode and his successors were given certain rights. The Applicant therefore, would be right in contending that the applicant could have interest in the property along with the Plaintiff.

2. The issue however of allowing the applicant to joint as Co-Plaintiff cannot be considered as

apparently their interests are not common. However, considering that the applicants do have interest in the property, and to avoid multiplicity of proceedings the ends of justice will be met if the applicants are added as defendants to the suit. The court is informed that apart from the applicants there is another heir and that heir has not come forward. That question need not be considered at this stage. In the light of that the following order :

3. Chamber Summons made absolute in as much as the applicants are directed to be added as defendants. Plaintiff to take steps to amend the cause title and add applicants as defendants within the period of two weeks from today. It will be open to the newly added defendants to file their written statement, if so instructed, within the period of eight weeks thereafter.

. Chamber summons made absolute accordingly.

(F.I. REBELLO,J.)